

Planning Board Minutes March 13, 2017

A meeting of the Planning Board, Town of Yorktown, was held on March 13, 2017, at the Yorktown Town Hall Board Room, 363 Underhill Avenue, Yorktown Heights, NY 10598. The Chair, Richard Fon, opened the meeting at 7:00 pm with the following members present:

John Savoca
John Kincart
William Lascala
Anthony Tripodi
Rob Garrigan, Alternate

Also present were: John Tegeder, Director of Planning; Robyn Steinberg, Town Planner; Tom D'Agostino, Assistant Planner; Kristen Wilson, Planning Board Counsel; Greg Bernard, Town Board Liaison, and Tom Diana, Town Councilman.

Correspondence: The Board received no additional correspondence.

Meeting Minutes: Upon a motion by LaScala, seconded by Tripodi, and all those present voting in favor, except Kincart who was not present at that meeting, the February 27, 2017 minutes were approved per the chair's corrected copy.

REGULAR SESSION

Ianuzzi Subdivision

SBL: 47.15-1-14, 15, 16

Request for Second 90 Day Time Extension

Location: 1189 Baptist Church Road

Contact: Albert A. Capellini, Esq.

Description: A re-subdivision of 3 existing lots into 4 lots under the Town's Flexibility Standards approved by Resolution #16-11 on June 13, 2016.

Project attorney, Al Capellini, was present. Capellini stated the applicant is still working with the Westchester County Health Department. In addition, the surveyor passed away and unfortunately this will add to the time it will take to file the plat.

Upon a motion by Savoca, seconded by LaScala, and all those present voting in favor, except Kincart who was not yet present at the meeting, the Board approved a Second 90 Day Time Extension for the Ianuzzi Subdivision.

Teatown Lake Reservation Science Lab

SBL: 69.14-1-8

Public Hearing

Location: 1595 Spring Valley Road

Contact: Dianne Barron

Description: Proposal to convert an existing two-story garage into a science lab on the first floor and a large classroom with office space on the second floor.

Upon a motion by Tripodi, seconded by Savoca, and with all those present voting aye, the Board opened the Public Hearing.

Planning Board Minutes March 13, 2017

Present were: John DeVito and Dianne Baron. DeVito stated Teatown Lake Reservation is located in southern Yorktown near Route 134. It consists of approximately 1,000 acres of nature and education center. Five years ago Teatown acquired the Gilbert Property known as The Croft property. A total of 72 acres were purchased. 5 acres were sold to a family member, leaving 67 acres. Then 8 acres were subdivided just around the main house. The rest is protected open space. Two years ago 46 spaces were added in the Auxiliary Parking Lot approved by the Planning Board. Teatown has partnered with Pace and Columbia Universities to expand its environmental programs. Renovations are proposed for the interior of the existing garage building. Renovations will bring the building up to code and make it ADA compliant. The applicant has applied to the Health Department for an upgraded septic system. The Board had no additional questions.

No one from the Public came forward.

Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board closed the Public Hearing.

Adrian Auto Body

SBL: 26.18-1-24

Public Hearing

Location: 3330 Old Crompond Road

Contact: Ralph G. Mastromonaco, P.E., P.C.

Description: Proposal to construct a 3,900 sf addition to the existing body shop.

Upon a motion by Savoca, seconded by Tripodi, and with all those present voting aye, the Board opened the Public Hearing.

Present were: Ralph Mastromonaco, project engineer, and Joseph Adrian, Jr., property owner. Mastromonaco stated the applicant is in front of the Board for an approximately 4,000 square foot addition to the right side of the Adrian Autobody. As a result of this application, the applicant was required to apply to the NYC DEP for approval of a stormwater permit. The only excavation proposed is for the four septic sized structures on the left side which will be used to capture stormwater runoff. This water will be collected to use to prewash cars. Mastromonaco does not think the applicant will require a Flood Development Permit as the resolution states, but will discuss it. Fon asked how long the business has been in existence. Adrian stated the business has been open since 1994. Fon asked Mastromonaco to elaborate on the proposed wall. Mastromonaco stated the purpose of the wall is to hold back the neighbor's property where there was some disturbance. Fon asked about the proposed green practices. Mastromonaco stated the green infrastructure is the rain water harvesting explained before for prewashing the cars. The Town Engineer indicated that the NYC DEP stated the application is complete, but there's no approval yet. A stormwater maintenance agreement will be needed with the Town Engineer.

Tegeder stated that although there is no excavation at this time, the excavation that occurred was pursuant to the site plan approved for the addition and must still be considered as a whole in terms of SEQRA. A Negative Declaration was adopted by the Board in 2010 based on the addition proposed then. Tegeder asked Mastromonaco to explain the proposed stormwater system. A complete stormwater pollution prevention plan was submitted. Tripodi asked if the water storage tanks are empty due to drought, what water will be used to prewash the cars. Mastromonaco stated that town water would be used.

No one from the Public came forward. Fon asked Tegeder what the next steps would be for this application. Tegeder recommended the Board hold off on a decision until the NYC DEP approval is

Planning Board Minutes March 13, 2017

granted. That way if they make any changes to the plans, the Board can incorporate them into their approval.

Mastromonaco asked if the Board would close the Public Hearing and make NYCDEP's approval a condition of the resolution. Tegeder stated that if the approval is forthcoming, the Board should wait. The applicant should come back to a work session once they have received the NYCDEP approval.

Upon a motion by Kincart, seconded by LaScala, and with all those present voting aye, the Board closed the Public Hearing.

Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board voted to move into the work session portion of the meeting.

WORK SESSION

Unicorn Contracting Corporation

SBL: 37.18-2-73, 74, 85, 86

Pre-Preliminary Application

Location: 355 Kear Street

Contact: Ciarcia Engineering, P.C.

Description: Proposal to demolish the existing restaurant and construct a 40,000 sf building with a mix of retail and office uses. A new 2,925 sf bank building is also proposed.

Present were: Dan Ciarcia, project engineer; and Paul Gallero and Alan Rothman from Unicorn Construction. Ciarcia stated that there are a total of 4 tax lots including: the Marketos Property, which is the real estate office, salon, and sports attic; the Murphy's Restaurant, the vacant corner lot on Kear Street owned by Murphy's; and the Grace Building Lot. The purpose is to preserve the remaining buildings on Underhill Avenue and change the layout of the parking. There will be a driveway connection from Kear Street through to Underhill Avenue. The Murphy's property has a parking easement of 12 parking spaces (left over from the old Huckleberry's approval) with the adjacent parking lot. The corner lot on Kear Street is shown as a bank right now. There will probably be a reconfigured arrangement of the lot lines for the 4 lots, but there will be no more than 4 lots total. The lot lines shown on the plan are the existing lot lines. Savoca asked if the corner Kear Street lot is a buildable lot. Ciarcia stated yes, the lot is buildable. Kincart stated there is a sewer permit for this lot. Fon asked how Ciarcia will deal with stormwater on the lot. Ciarcia stated the entire project is considered a redevelopment. Infiltration will be the preferred method, but this will probably have to be augmented with filtering systems. All stormwater will be underground. The access on Underhill Avenue would consolidate the entrance to the Coldwell Banker and the Grace Building into one main access. The barn behind the Grace Building is proposed to be demolished. The proposed office building is a 40,000 square foot, three-story building. The building will be designed to meet the allowed building height. The third story will be partially under the roof. Fon asked if the applicant is working with a traffic consultant yet. Ciarcia stated no, the applicant just wanted to come in pre-preliminary and hear the concerns of the Board. Fon listed the main concerns which are traffic, the parking is to the lot line so screening of the parking lot and stormwater. Fon remembered the Lowe's did get permission to put landscaping in the state right-of-way, so this could be an option here. Trees can also be added to the parking lot. Bernard stated he didn't think the entrance to the proposed bank works on the hill. This entrance is also not aligned with the entrance to the adjacent lot. Ciarcia stated there is no firm concept for the corner Kear Street lot. Fon stated the Underhill Avenue access should be reviewed in terms of traffic because it is very close to the intersection. The Board stated they were not opposed to the concept.

Planning Board Minutes March 13, 2017

Village Traditions

SBL: 15.16-1-32

Discussion Amended Site Plan

Location: 1821 East Main Street

Contact: Timothy Mallon

Description: Amended proposal to remove an existing barn and construct a 3,000 sf building for offices with an apartment on the second floor.

Property owner, Tim Mallon was present. Mallon presented the elevations. He explained how the elevations would look more like a house especially towards the residential zone. Tegeder explained that Mallon wants to spread the square footage from the original approval into the first floor and have one apartment on the second floor. Mallon is not sure if he wants to make the parking aisle wider and push the new barn building back further. Savoca asked about the cross-access easement. Tegeder explained that he did not believe formal easements have to be in place to make the parking lot connections. The decision to have a formal easement will be up to the Board. Mallon said the tenants in the front building want to put doors in the back of the building as well. So the tenants are happy about the parking lot connection. Mallon's concern is that the cars will drive too fast through the parking lot and people parked won't be able to back out of the spaces safely. He would like to push the building back about 10 feet and make the aisle wider. Tegeder suggested that if the drive aisle is wider, 24 feet in the center should be striped so that the parking spaces get the extra space, not the drive aisle. Fon asked staff to check if any variances would be required for the new building. Mallon wants a drive-thru on the side of the existing building. The existing curb and equipment located in this area would have to be relocated. Fon asked the applicant to continue working with staff to revise the plans.

Zat Construction (Tonndorf)

SBL: 6.18-1-37

Discussion Subdivision

Location: 76 Route 6

Contact: Kellard Sessions Consulting, P.C.

Description: Proposal for a 3 lot subdivision and site plan for a total of 4 commercial buildings on 18.095 acres in the I-1 zone.

Dave Sessions, project planner, was present. Sessions stated the project consists of a commercial development on Route 6. The property line is on the Town of Somers town line. The site is about 18.2 acres. The project was in front of the Board between 2005 and 2008. The project was very close to getting NYS DEC approval and the Board's approval. The wetlands were delineated, flagged, and confirmed by Bruce Barber three times over the period of review and as recent as about a year or so ago. Lot 1 will be 2.6 acres, Lot 2 will be 6 acres, and Lot 3 will be 10.5 acres. All three buildings are mixed use. The rear of the buildings would be for loading, storage, and warehouse. The front of the buildings would have an office and/or showroom. All of the parking analysis was accepted by the Board when previously reviewed. The town wetland shown on Lot 1 is a low functioning wetland proposed to be filled. Mitigation was proposed and at the time the Conservation Board and Planning Board agreed the mitigation was sufficient. A NYS DEC wetland permit is required for the disturbance to the state wetlands.

There is a lot of stormwater proposed. There is a forebay on Lot 1. This forebay is designed to take runoff from Route 6 offline into the settling basin to capture sediments before it goes back into the state wetland area. This channel is well defined and will be stabilized. A forebay is also proposed on Lot 2, which would

Planning Board Minutes March 13, 2017

discharge to a pocket pond and then into the wetland. A forebay is proposed on Lot 3. All three are sized for up to the 100 year storm.

There is a sewer main in Route 6. There are water mains in Route 6 and in Navajo Road. Lot 1 will be connected to the water line on Navajo Road. All three lots will have pump stations to send sewage to the force main on Route 6. Three separate sewer connections boring under Route 6 are proposed. LaScala asked why the project did not go forward in the past. Sessions stated it was a mix of the market and financing. The state's new stormwater regulations require the addition of green infrastructure for stormwater quality to the stormwater plans. This will probably require rain gardens be added to the stormwater plan. The Board asked about the application process. Tegeder stated the applicant has updated their application and EAF.

Wetland mitigation that was agreed upon previously included removal of invasive species within 50 feet of the delineated wetland. Tegeder asked if the NYS DEC will require reverification of the wetlands. Sessions stated that he thinks the NYSDEC did reconfirm the boundary about a year ago with Tim Miller Associates. Sessions will submit a plan with a new NYSDEC sign off to confirm this. The construction will be phased. However, the way the plan is developed, any one of the lots can be developed first, even though the drawings are labeled Phase I, Phase II, Phase III.

The Board scheduled a Public Informational Hearing for April 3rd meeting. Tegeder stated this application should revisit the Conservation Board for comments.

Town Board Referral

Proposed Local Law to add a new Chapter 301 entitled "UTILITY POLES" to the Code of the Town of Yorktown.

The Board was pleased to see the proposed legislation and had no planning objections.

Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board voted to close the meeting at 8:30 pm.